

Bradley T. Hunsicker (Wyo. Bar 7-4579)
MARKUS WILLIAMS YOUNG & ZIMMERMANN LLC
106 East Lincolnway, Suite 300
Cheyenne, WY 82001
Telephone: 307-778-8178
bhunsicker@markuswilliams.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF WYOMING**

In re:) Chapter 11
)
POWELL VALLEY HEALTH CARE, INC.,) Case No. 16-20326
)
Debtor-in-Possession.)

**THIRD MOTION TO VACATE AND CONTINUE HEARING ON
DEBTOR'S MOTION OF THE DEBTOR FOR AUTHORIZATION TO
CONDUCT RULE 2004 EXAMINATION OF THE MALPRACTICE
INSURANCE COMPANIES AND THE JOINDER AND OPPOSITION FILED
THERETO**

Powell Valley Health Care, Inc. ("PVHC", or the "Debtor"), the debtor and debtor in possession in the above captioned case, hereby files this motion to vacate and continue the hearing set for February 22, 2017, at 2:00 p.m., on the Debtor's *Motion of the Debtor for Authorization to Conduct Rule 2004 Examination of the Malpractice Insurance Companies* [Doc. 353], the *Insurance Companies' Joint Opposition to Motion for Authorization to Conduct Rule 2004 Examination and Request to be Heard* [Doc. 359] filed by UMIA Insurance, Inc. ("UMIA"), Lexington Insurance Company ("Lexington"), and Homeland Insurance Company of New York ("Homeland") (collectively, the "Insurance Companies") and the *Joinder to Motion of the Debtor for Authorization to Conduct Rule 2004 Examination of the Malpractice Insurance Companies and Joinder to*

Response to Insurance Companies' Joint Opposition to Motion for Authorization to Conduct Rule 2004 Examination and Request to be Heard [Doc. 368] filed by the Official Committee of Unsecured Creditors (the "Committee"), and in support thereof shows the Court as follows:

1. Since filing its *Motion of the Debtor for Authorization to Conduct Rule 2004 Examination of the Malpractice Insurance Companies* [Doc. 353] (the "Motion for 2004 Exam"), the Debtor has participated in meaningful discussions with the Insurance Companies in an effort to avoid the need for seeking the relief requested in the Motion for 2004 Exam.

2. At the juncture, the Debtor is encouraged with its discussions with the Insurance Companies, as well as its continued negotiations with the Committee, and believes that the interests of all parties would be better served if the parties focused their efforts on negotiating a consensual Plan, rather than spending time preparing to argue the merits of the motion.

3. Accordingly, the Debtor requests that the hearing on the Motion for 2004 Exam be vacated and continued for approximately thirty (30) days.

4. The Committee has consented to the relief requested in this motion.

WHEREFORE, the Debtor respectfully requests the Court enter an order substantially in the form attached hereto at Exhibit A vacating and continuing the hearing on the Motion for 2004 Exam.

Dated: February 21, 2017.

**MARKUS WILLIAMS YOUNG &
ZIMMERMANN LLC**

By: /s/ Bradley T. Hunsicker
Bradley T. Hunsicker (WY Bar No 7-4579)
106 East Lincolnway, Suite 300
Cheyenne, WY 82001
Telephone: 307-778-8178
Facsimile: 307-638-1975
Email: bhunsicker@markuswilliams.com

Counsel for the Debtor and Debtor-in-Possession

CERTIFICATE OF SERVICE

The undersigned certifies that on February 21, 2017, a copy of the foregoing was served *electronically* upon those parties indicated below:

UMIA Insurance, Inc.:

c/o James T. Burghardt
Timothy M. Swanson
Moye White LLP
1400 16th St., 6th Floor
Denver, CO 80202
jim.burghardt@moyewhite.com
tim.swanson@moyewhite.com

c/o Julie Nye Tiedeken
McKellar, Tiedeken & Scoggin, LLC
702 Randall Avenue
P.O. Box 748
Cheyenne, WY 82003
jtiedeken@mtslegal.net

Homeland Insurance Company of NY:

Judith Studer
Patrick T. Holscher
Schwartz, Bon, Walker & Studer, LLC
141 S. Center St., Suite 500
Casper, WY 82601
(307) 235-6681
(307) 234-5099 Fax
jstuder@schwartzbon.com
pat@schwartzbon.com

Charles E. Spevacek
Tiffany M. Brown
Meagher & Geer, P.L.L.P.
33 S. Sixth Street, Suite 4400
Minneapolis, MN 55402
Ph: (612) 371-1324
Fax: (612) 877-3015
cspevacek@meagher.com
tbrown@meagher.com

Lexington Insurance Company, Inc.:

Deborah M. Kellam
Hall & Evans, L.L.C.
2015 Central Ave., Suite C
Cheyenne, WY 82001
kellam@hallevans.com

Michael S. Davis
Bryan D. Leinbach
ZEICHNER ELLMAN & KRAUSE
LLP
1211 Avenue of the Americas
New York, NY 10036
Tel: (212) 223-0400
Fax: (212) 753-0396
mdavis@zeklaw.com
bleinbach@zeklaw.com

**Attorneys for Official Committee of
Unsecured Creditors:**

Scott J. Goldstein
Philip A. Pearlman
Jamie N. Cotter
Spencer Fane
1000 Walnut Street, Suite 1400
Kansas City, MO 64106
1700 Lincoln Street, Suite 2000
Denver, CO 80203
sgoldstein@spencerfane.com
jcotter@spencerfane.com
ppearlman@spencerfane.com

/s/Bradley T. Hunsicker

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